REMARKS

Claims 1, 4–7, and 9–14 are pending in this application.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 7 and 9–14 are allowed.

II. Rejection Under 35 U.S.C §102 Over Kobayashi

The Office Action rejects claims 1 and 4–6 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,390,611 to Kobayashi et al. ("Kobayashi"). Applicants respectfully traverse the rejection.

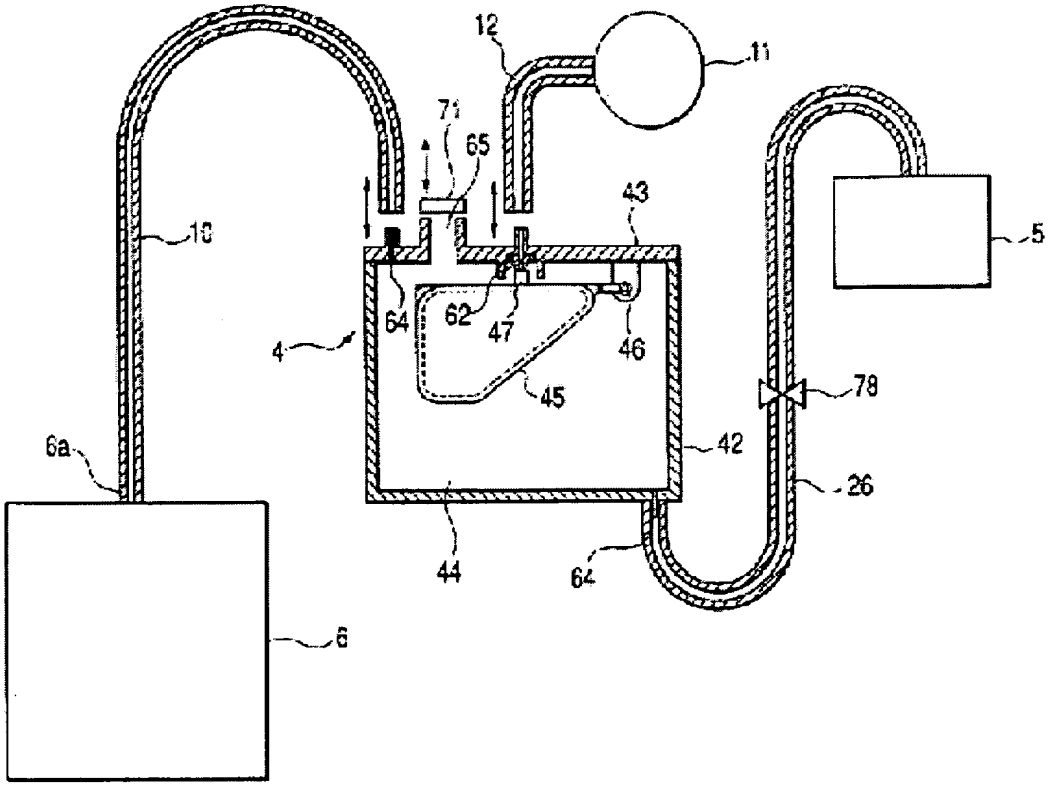
Claim 1 recites:

> A refillable fluid reservoir for a fluid ejection head, comprising:
> a fluid reservoir having top, bottom and side walls defining an interior volume for housing fluid;
> a venting port provided on one of the reservoir walls, the venting port having an open end; and
> a fluid inlet port provided on the one of the reservoir walls, the fluid inlet port having an open end,
> wherein:
> the venting port and the fluid inlet port are located in a side wall of the fluid reservoir; and
> the open end of the venting port and the open end of the fluid inlet port being located at substantially a same level, in a gravitational direction, to increase volumetric efficiency and reduce staining.

Despite its asserted disclosures, Kobayashi does not describe, explicitly or inherently, that "the venting port and the fluid inlet port are located in a side wall of the fluid reservoir" as required by claim 1. The Office Action asserts that Figure 7 depicts a venting port 62 and a fluid inlet port 64 provided on side wall 43. The Office Action further asserts that reference numeral 42 depicts a top wall. Applicants respectfully disagree.

Below is a copy of Figure 7 from Kobayashi:

FIG. 7



Clearly, reference numeral 43 is pointing to the top wall. Furthermore, Kobayashi describes "a **case 42** opened on the top and a **lid 43** for covering the top" (emphasis added). *See* column 7, lines 24–26. Therefore, the Office Action mischaracterizes what is clearly depicted in Figure 7 and what is clearly described in the specification of Kobayashi. Wherein claim 1 recites "a fluid reservoir having top, bottom and side walls defining an interior volume for housing fluid" and later recites "the venting port and the fluid inlet port are located in a side wall of the fluid reservoir," it cannot be said that "a side wall" as claimed could possibly read on a "**lid 43** for covering the top" as depicted and described by Kobayashi. Therefore, Kobayashi does not explicitly or inherently describe that "the venting

port and the fluid inlet port are located in a side wall of the fluid reservoir" as required by claim 1, and the rejection must be withdrawn.

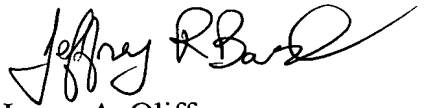
Kobayashi does not anticipate claim 1. Claims 4–6 variously depend from claim 1 and, thus, also are not anticipated by Kobayashi. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4–7 and 9–14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jeffrey R. Bousquet
Registration No. 57,771

JAO:JRB

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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